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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

2023 APR -3 PM 12:54

Samuel T Whatley, II

-against-

T-Mobile USA, Inc.

Complaint for a Civil Case

Case No. 2:23-cv-1339-RMG-MGB

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Samuel T Whatley, II</u>
Street Address	<u>579 Folly Rd Unit 14254</u>
City and County	<u>Charleston</u>
State and Zip Code	<u>South Carolina 29422</u>
Telephone Number	<u>910-850-1202</u>

B. The Defendant

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>T-Mobile USA, Inc.</u>
Street Address	<u>12920 SE 38th</u>
City and County	<u>St Bellevue</u>
State and Zip Code	<u>Washington State 98006</u>
Telephone Number	<u>866-965-0526</u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Electronic Communications Privacy Act (ECPA) of 1986 and Electronic Funds Transfer Act (EFTA) of 1978; 18 U.S. Code § 2511 and 15 U.S. Code § 1693m

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A telecom employee unlawfully transferred my phone number to another device on 4/5/2022 approx. 4:22 PM at a T-Mobile store located in Traveler's Rest, SC. It later resulted in compromising my entire bank account and funds were unlawfully transferred via Zelle. The authorities were contacted about it the next day but were unsuccessful in apprehending the suspect after providing the police with the IMEI # of the swapped device and evidence of the unlawful transfers after the bank account was compromised.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Compensation for the unlawful transfer of electronic communications leading to the

unauthorized access and compromise of the bank account.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case- related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: MARCH 29, 2023.

Signature of Plaintiff

Samuel Whatley II

Printed Name of Plaintiff

Samuel T Whatley, II